

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

FRANK A. OROPEZA,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

Case No. 4:16-cv-01013-GAF

MOTION FOR SUMMARY JUDGMENT

Defendant BNSF Railway Company, pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby moves for summary judgment on plaintiff Frank A. Oropeza's claims of interference, discrimination, and retaliation under the Family and Medical Leave Act and 42 U.S.C. § 1981. As set forth in the Suggestions in Support being contemporaneously filed with this motion, and which are incorporated herein by reference, plaintiff cannot present a genuine issue of disputed fact that would allow his claims to go forward as a matter of law. This Motion is supported by the pleadings and the attached Exhibit A, which is comprised of plaintiff's deposition transcripts and relevant deposition exhibits.

WHEREFORE, defendant BNSF Railway Company respectfully requests the Court grant summary judgment on all of plaintiff's claims as set forth herein, and for such other and further relief as the Court deems proper.

Respectfully submitted,

/s/ David C. Vogel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed through the Court's e-filing system,
this 16th day of June, 2017, which will send notification of such filing to:

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/s/David C. Vogel

An Attorney For Defendant